



Atty. Dkt. No. 073406-0402

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Pelletier, et al.
Title: DNA SEQUENCES FROM
STAPHYLOCOCCUS AUREUS
BACTERIOPHAGE 77 THAT
ENCODE ANTI-MICROBIAL
POLYPEPTIDES

Appl. No.: 09/407,804

Filing Date: 09/28/1999

Examiner: Mitra, R.

Art Unit: 1653

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. <i>Karin E. Harden</i> (Printed Name) <i>Karin E. Harden</i> (Signature) <i>11-5-2001</i> (Date of Deposit)

RESPONSE TO RESTRICTION REQUIREMENT

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated September 4, 2001, Applicant requests that the Examiner enter and consider the following election and remarks.

Election of nucleic acid sequence

In response to the Examiner's requirement that Applicant elect a single nucleic acid sequence for examination in this application, Applicant hereby elects the sequence of SEQ ID NO. 8 (corresponding to open reading frame 104), with traverse.

Election of claim group

The Examiner also identified two set of claims and required the election of one. The Examiner identified Group 1 as constituting claims 9, 10, 12-[14], and Group II as constituting claim 11. Claims 33-72 were not identified as to claim Group. The Examiner also noted that Applicant had elected claims 9, 10, and 12-14 and added new claims 33-72 in response to the restriction requirement mailed 8 Jan 2001.